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FIRST REGULAR SESSION
FIFTY-NINTH LEGISLATURE

FORTY-THIRD LEGISLATIVE DAY
MONDAY, FEBRUARY 19, 2007

Senate Chamber

President Risch called the Senate to order at 10 a.m.

Roll call showed all members present except Senators McKenzie and Pearce, absent and excused.

Prayer was offered by Chaplain Goebel.

The Pledge of Allegiance was led by Brie Bermudez-Koch, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of February 16, 2007, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

Senators McKenzie and Pearce were recorded present at this order of business.

February 19, 2007

The JUDICIARY AND RULES Committee reports that **S 1162** has been correctly printed.

DARRINGTON, Chairman

S 1162 was referred to the Local Government and Taxation Committee.

February 19, 2007

The JUDICIARY AND RULES Committee reports that **S 1082**, as amended, and **S 1079**, as amended, have been correctly engrossed.

DARRINGTON, Chairman

S 1082, as amended, and **S 1079**, as amended, were filed for first reading.

February 19, 2007

The JUDICIARY AND RULES Committee reports that Senate amendments to **S 1082**, **H 54**, and **S 1079** have been correctly printed.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

February 16, 2007

The RESOURCES AND ENVIRONMENT Committee reports it has had under consideration the Gubernatorial appointment listed below and the Committee recommends that said appointment be confirmed by the Senate:

Jim Caswell as Administrator of the Idaho Office of Species Conservation, term to expire at the pleasure of the Governor.

SCHROEDER, Chairman

The Gubernatorial appointment was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

February 16, 2007

The RESOURCES AND ENVIRONMENT Committee reports out **S 1055** and **S 1087** with the recommendation that they do pass.

SCHROEDER, Chairman

S 1055 and **S 1087** were filed for second reading.

February 16, 2007

The LOCAL GOVERNMENT AND TAXATION Committee reports out **H 71** with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

HILL, Chairman

There being no objection, **H 71** was referred to the Fourteenth Order of Business, General Calendar.

February 19, 2007

The AGRICULTURAL AFFAIRS Committee reports out **S 1074** with the recommendation that it do pass.

GANNON, Chairman

S 1074 was filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Ninth Order of Business.

Messages from the House

February 16, 2007

Mr. President:

I transmit herewith **H 116, H 56, H 43, H 44, H 5, and H 141** which have passed the House.

JUKER, Chief Clerk

H 116, H 56, H 43, H 44, H 5, and H 141 were filed for first reading.

February 16, 2007

Mr. President:

I return herewith **S 1071** and **S 1017**, as amended, which have passed the House.

JUKER, Chief Clerk

S 1071 and **S 1017**, as amended, were referred to the Judiciary and Rules Committee for enrolling.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

The President announced the Commerce and Human Resources Committee report relative to the Gubernatorial appointment of William "Bill" Deal was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Cameron, seconded by Senator Werk, the Gubernatorial appointment of William "Bill" Deal as a member of the Public Employment Retirement System of Idaho Board was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President announced the State Affairs Committee report, relative to the Gubernatorial appointments of Lois Bauer, Mack Redford, and James M. "Dyke" Nally, was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Stennett, seconded by Senator Davis, the Gubernatorial appointment of Lois Bauer as Administrator of the Idaho Commission on Aging was confirmed by voice vote.

On motion by Senator Little, seconded by Senator Stennett, the Gubernatorial appointment of Mack Redford as a member of the Idaho Public Utilities Commission was confirmed by voice vote.

On motion by Senator Malapeai, seconded by Senator Davis, the Gubernatorial appointment of James M. "Dyke" Nally as Superintendent of the Idaho State Liquor Dispensary was confirmed by voice vote.

The President declared the State Affairs Committee report adopted and directed the Secretary of the Senate to prepare letters of the Gubernatorial appointment confirmations for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The Senate advanced to the Eleventh Order of Business.

Introduction, First Reading and Reference of Bills, House Petitions, Resolutions, and Memorials

H 54, as amended in the Senate, by Transportation and Defense Committee, was read the first time at length and filed for second reading.

S 1082, as amended, by State Affairs Committee, was read the first time at length and filed for second reading.

S 1079, as amended, by Education Committee, was read the first time at length and filed for second reading.

H 116, by Local Government Committee, was introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

H 56, H 43, and H 44, by Agricultural Affairs Committee, were introduced, read the first time at length, and referred to the Agricultural Affairs Committee.

H 5, by Health and Welfare Committee, was introduced, read the first time at length, and referred to the Commerce and Human Resources Committee.

H 141, by Revenue and Taxation Committee, was introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

S 1103, by Health and Welfare Committee, was read the second time at length and filed for third reading.

S 1106 and **S 1105**, by Commerce and Human Resources Committee, were read the second time at length and filed for third reading.

H 61, by State Affairs Committee, was read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

H 23 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Lodge arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, McGee, McKague, McKenzie, Pearce, Richardson, Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 35.

Whereupon the President declared **H 23** passed, title was approved, and the bill ordered returned to the House.

H 64 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Richardson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, McGee, McKague, McKenzie, Pearce, Richardson, Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 35.

Whereupon the President declared **H 64** passed, title was approved, and the bill ordered returned to the House.

H 66 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Burkett arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, McGee, McKague, McKenzie, Pearce, Richardson, Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 35.

Whereupon the President declared **H 66** passed, title was approved, and the bill ordered returned to the House.

S 1001 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Davis arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher,

Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, McGee, McKague, McKenzie, Pearce, Richardson, Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 35.

Whereupon the President declared **S 1001** passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, the Senate went at ease and resolved itself into the Committee for the Memorial Service.

MEMORIAL SERVICE

The Service was conducted by Memorial Service Committee Chairmen, Senator Bair and Senator Heinrich. The Invocation was delivered by Senator Hill and remarks were presented by Senator Bair. Musical selections were performed by the Caldwell Madrigal Singers, Bill Buckendorf, Director. The Service was coordinated by June Keithly and Mary Harvey.

**IN THE SENATE
A SENATE MEMORIAL**

WHEREAS, the late Senator MELVIN SNOOK passed on during the Second Regular Session of the Fifty-eighth Legislature - to wit, January 28, 2006;

WHEREAS, the late Senator MELVIN SNOOK served the Senate in the interest of Clearwater County during the Thirtieth through the Thirty-first Legislatures of the State of Idaho.

NOW, THEREFORE, BE IT RESOLVED that the Senate of the First Regular Session of the Fifty-ninth Legislature of the State of Idaho draws public attention by this Memorial to the life and works of Senator MELVIN SNOOK; and

BE IT FURTHER RESOLVED that the Senate of the First Regular Session of the Fifty-ninth Legislature extends to the bereaved family the heartfelt sympathy of this entire body; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be, and she is hereby instructed to spread this Memorial upon the Journal of the Senate and to mail copies to the MELVIN SNOOK family.

On motion by Senator Heinrich, seconded by Senator Stennett, the Memorial to the late Senator Snook was adopted by voice vote.

**IN THE SENATE
A SENATE MEMORIAL**

WHEREAS, the late Senator CYRIL "CY" CHASE passed on since the Second Regular Session of the Fifty-eighth Legislature - to wit, "September 16, 2006;

WHEREAS, the late Senator CYRIL "CY" CHASE served in the interest of Benewah and Kootenai Counties during the Thirty-sixth through the Thirty-eighth and the Forty-first through the Forty-fifth Legislatures of the State of Idaho.

NOW, THEREFORE, BE IT RESOLVED that the Senate of the First Regular Session of the Fifty-ninth Legislature of the State of Idaho draws public attention by this Memorial to the life and works of Senator CYRIL "CY" CHASE; and

BE IT FURTHER RESOLVED that the Senate of the First Regular Session of the Fifty-ninth Legislature extends to the bereaved family the heartfelt sympathy of this entire body; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be, and she is hereby instructed to spread this Memorial upon the Journal of the Senate and to mail copies to the CYRIL "CY" CHASE family.

On motion by Senator Broadsword, seconded by Senator Stennett, the Memorial to the late Senator Chase was adopted by voice vote.

**IN THE SENATE
A SENATE MEMORIAL**

WHEREAS, the late Senator RICHARD A. EGBERT passed on during the Second Regular Session of the Fifty-eighth Legislature - to wit, February 18, 2006.

WHEREAS, the late Senator RICHARD A. EGBERT served the Senate in the interest of Teton, Bonneville and Madison Counties during the Thirty-seventh through the Forty-fifth Legislatures of the State of Idaho.

NOW, THEREFORE, BE IT RESOLVED THAT the Senate of the First Regular Session of the Fifty-ninth Legislature of the State of Idaho draws public attention by this Memorial to the life and works of Senator RICHARD A. EGBERT; and

BE IT FURTHER RESOLVED, that the Senate of the First Regular Session of the Fifty-ninth Legislature extends to the bereaved family the heartfelt sympathy of this entire body, and

BE IT FURTHER RESOLVED, that the Secretary of the Senate be, and she is hereby instructed to spread this Memorial upon the Journal of the Senate and to mail copies to the RICHARD A. EGBERT family.

On motion by Senator Siddoway, seconded by Senator Stennett, the Memorial to the late Senator Egbert was adopted by voice vote.

The Benediction was offered by Chaplain Goebel.

Senator Bair declared the committee for the Memorial Service dissolved. Following the Memorial Service, President Risch called the Senate to order.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 12:15 p.m. until the hour of 10:30 a.m., Tuesday, February 20, 2007.

JAMES E. RISCH, President

Attest: RUSTI HORTON, Assistant Secretary